

App No 35476

AGREEMENT

AGREEMENT made this 20 day of January, 1998, by and between NORTHWEST FOOD, L.L.C., trading as Macomb Street Grill (the Applicant) and PHIL MENDELSON (Protestant).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's application for a new Class CR license for premises 3714-3716 Macomb Street, N.W., Washington, D.C., ABC Application No. 35476; and

WHEREAS, the parties desire to enter into an agreement enumerating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant agrees to dispose of all trash in leak-proof containers that will be kept closed and covered at all times. Applicant agrees that trash pick-up will be as often as necessary to preclude overflow, litter, rodents, odors, unsightliness, etc. Should the restaurant's trash become problematic, the restaurant will meet with Protestant to discuss increased frequency of trash pickups and other measures to eliminate complaint. Applicant shall use its best efforts to ensure that trash collection occurs no earlier than 7:00 a.m., or the time provided by law (whichever is later) on any day of the week.

2. Applicant agrees that closing times shall be not later than 1:30 a.m. on any day of the week, except that on Friday and Saturday the closing time shall be not later than 2:30 a.m.

3. In the event Applicant desires to open a sidewalk cafe, then Applicant must comply with all requirements of the District of Columbia and file for said approval with the District of Columbia Government, with opportunity for ANC-3C to comment.

4. Nothing contained in this Agreement conveys the ANC's support at this time for any zoning or HPRB approvals that may be separately required by law.

5. In consideration of, and in reliance upon the above, Protestant hereby agrees to withdraw his objection to the Applicant's pending license application.

6. No speakers or other sound transmission shall be placed outside the restaurant.

7. The Applicant will meet with ANC 3-C or its representatives, if requested, to discuss and attempt to work out any neighbor complaints that might arise.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above-written.

APPLICANT: NORTHEAST FOOD, L.L.C.

By: 
Andrew R. Schiff,
Managing Member

PROTESTANT:


Phil Mendelson

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Northwest Food LLC
t/a The Macomb Street Grill

Application for a Retailer's License
Class CR - new
at premises
3714-3716 Macomb Street, N.W.
Washington, D.C.

App. No. 35476-98007P

**Phil Mendelson, Chair, on behalf of Advisory Neighborhood Commission 3C,
Protestant**

Dimitri P. Mallios, Esquire, on behalf of Applicant

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;
DENNIS BASS, MEMBER;
ALLEN BEACH, MEMBER;
MARY EVA CANDON, ESQUIRE, MEMBER;
LAVERNE KING, MEMBER;
EYDIE WHITTINGTON, MEMBER;
DUANE WANG, MEMBER**

ORDER ON A WITHDRAWN PROTEST

The application, having been protested came before the Board for public hearing on January 21, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1996 Supp.), providing for remonstrants to be heard. Phil Mendelson, Chair, on behalf of Advisory Neighborhood Commission 3C, filed a timely protest by letter dated January 6, 1998.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated January 20, 1998, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

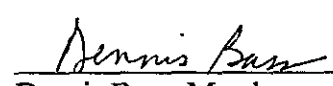
Northwest Food, LLC
t/a The Macomb Street Grill
Page two


Accordingly, it is this 29 day of April 1998, **ORDERED** that:

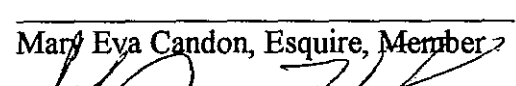
1. The protest of Phil Mendelson, Chair, on behalf of Advisory Neighborhood Commission 3C, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Northwest Food, LLC t/a The Macomb Street Grill for a retailer's license class CR - new at premises 3714-3716 Macomb Street, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant, the Attorney for the Applicant, and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

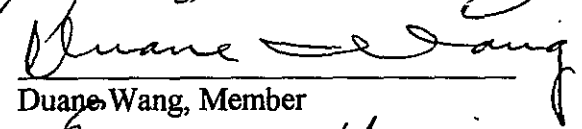

Barbara L. Smith, Esquire, Chair


Dennis Bass, Member


Allen Beach, Member


Mary Eva Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member


Eydie Whittington